

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT of INDIANA  
Indianapolis Division

**FILED**

**10/28/2024**

U.S. DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
Kristine L. Seufert, Clerk

JOEY KIMBROUGH,

Plaintiff,

v.

AMERICAN EXPRESS COMPANY AKA  
AMERICAN EXPRESS NATIONAL  
BANK;

and

TRANS UNION LLC (*settled and  
dismissed*)

Defendants.

**Case No. 1:22-cv-1993-TWP-MJD**

Honorable Tanya Walton Pratt  
Magistrate Judge Mark J. Dinsmore

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**NOTICE OF APPEAL TO THE SEVENTH CIRCUIT**

Notice is hereby given that Plaintiff, Joey Kimbrough, in the above-named case, hereby appeals to the *United States Court of Appeals for the Seventh Circuit* from the following Orders and Judgment of the United States District Court for the Southern District of Indiana:

1. **Order Denying Motion for Default Judgment** (Dkt. No. 17), entered on April 12, 2023, which denied Plaintiff's request for entry of default and judgment against Defendant.
2. **Order on Motion for Sanctions and Motion for Continuance** (Dkt. No. 48), entered on September 8, 2023, which denied Plaintiff's motion for sanctions and dismissed his motion for continuance as moot.
3. **Order Compelling Arbitration and Staying Proceedings** (Dkt. No. 49), entered on September 8, 2023, which granted Defendant's motion to compel arbitration and stayed all court proceedings pending arbitration.

4. **Order Denying Plaintiff's Motion to Vacate Arbitration Order** (Dkt. No. 102), entered on June 11, 2024, which denied Plaintiff's motion to vacate the order compelling arbitration.
5. **Order Denying Waiver of Arbitration** (Dkt. No. 107), entered on August 1, 2024, which denied Plaintiff's notice seeking to waive arbitration.
6. **Order to Show Cause** (Dkt. No. 114), issued on September 20, 2024, ordering Plaintiff to explain his failure to comply with the arbitration order.
7. **Final Order Dismissing Action for Failure to Prosecute** (Dkt. No. 117), entered on October 17, 2024, which dismissed the case with prejudice for Plaintiff's failure to comply with court orders requiring arbitration.
8. **Final Judgment** (Dkt. No. 118), entered on October 17, 2024, which formally dismissed the action with prejudice.

Plaintiff appeals on the grounds that these Orders and Judgment were issued in error, as detailed in the objections previously filed with the Court.

Respectfully Submitted,

/s/ Joey Kimbrough

Joey Kimbrough, Plaintiff, Pro Se  
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#### **Certificate of Service**

I hereby certify that on October 28<sup>th</sup>, 2024, I electronically filed the foregoing with the Clerk of the Court by email with attachments as is required by the Court.

#### **Distribution:**

All ECF-registered counsel of record

Respectfully Submitted,

/s/ Joey Kimbrough